

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: CITY OF DETROIT,
Debtor

Chapter 9 Case No.: 13-bk-53846
Judge Thomas J. Tucker

CITY OF DETROIT,
Plaintiff

Adversary No.: 15-05299-tjt

v.

AGAR LAWN AND SPRINKLER SYSTEMS, INC.

Defendant.

Togut, Segal, & Segal, LLP
Albert Togut (AT-9759)
Neil Berger (NB-3599)
Anthony F. Pirraglia
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DEFENDANT'S RULE 26 DISCLOSURES

NOW COMES the above named Defendant, Agar Lawn Sprinkler Systems, Inc., and pursuant to Fed. R. Civ. P. 26(a)(1) states as follows:

1. Robert Agar

c/o Defense Counsel. It is anticipated Mr. Agar will testify to the work completed by Defendant on behalf of the City and the payment terms and payment history between Defendant and the City of Detroit. Also, that the alleged preferential payments were paid from specific earmarked funds and grants for City beautification projects.

2. Karen Agar

c/o Defense Counsel. She will testify as record custodian of the Defendant and a person with knowledge of the work, payment terms and history and the source of the funds paid for the beautification work.

3. Angela L. Raedel, CPA

Slomski & Raedel

38851 Harper

Clinton Township, MI 48036

It is anticipated that Ms. Raedel will testify to the financial losses sustained by the Defendant caused by the City's bankruptcy and to the payment terms and history between the parties.

4. Representatives of the City of Detroit with knowledge of the contract, work, and payment history between the City and the Defendant, including but not limited to:

Andre DuPerry, Brad Dick, Bianca Washington, Angela Hipps, Edward Porche, Lena Willis.

5. All witnesses identified in discovery and in discovery documents.

6. All witnesses identified by the Plaintiff, whether or not called at the time of trial.

7. All necessary rebuttal witnesses.

DOCUMENTS.

1. Records of the Defendant regarding work for and payments received by the City.

Demonstrative exhibits and spread sheets showing the timing of payments and payment history between Defendant and the City.

2. Records of the City regarding the source of the alleged preferential payments.

3. All records identified by the City

4. All documents identified during discovery.

5. All necessary rebuttal exhibits.

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RESPECTFULLY SUBMITTED

/s/ John D. Mulvihill

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March 21, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that on March 21, 2017, I electronically filed Defendant's Initial Disclosures with the Clerk of the court by using the ECF system, which will automatically send notice of such filing to all counsel and ECF participants.

I DECLARE THAT THE FOREGOING STATEMENT IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

/s/ John D. Mulvihill(P35637)

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